

REMARKS

Claims 1-3 and 5-8 are currently pending in the application. Claims 4 and 9 have previously been cancelled. Pursuant to the following remarks, Applicant respectfully requests reconsideration of the application and its early allowance.

Rejection of claims 1-3 and 5-8 under 35 USC § 103(a)

The Office Action rejected Claims 1-3 and 5-8 as obvious with respect to Brian US patent No. 4,574,996 (“Brian”) or Metzger US patent No. 2,785,844 (“Metzger”) in view of either Means et al. US patent No. 2,138,112 (“Means”) or Jenkins et al US patent No. 345,510 (“Jenkins”). Applicant respectfully submits that Brian or Metzger, alone or in combination with the Means or Jenkins, fails to disclose, teach or even remotely suggest the present invention.

With respect to Claim 1, the Claim has been amended to include a limitation requiring “a pair of lift cutouts formed in a bottom edge of said second side panel and a bottom edge of said second divider panel, said pair of lift cutouts being formed substantially equidistant from a center of the second divider panel, said pair of lift cutouts being substantially rectangular in shape.” This limitation is not taught by any of the cited art. Quite to the contrary, all of the blanks disclosed in the cited art are for containers that may be carried by hand once filled. Conversely, the instant invention is directed toward bulk containers, and the lift cutouts are configured to receive the forks of a lift truck for moving a heavy bulk bin (3: 24-28). In particular, the instant invention includes built-in structure that allows this instant invention to be used with a fork lift while not needing a separate pallet to enable fork lift use. The cited art is not remotely concerned with or directed toward this type of use.

As Claim 1 includes limitations not taught by the cited art, this claim is now in allowable form. As such, Applicant respectfully requests removal of this ground of rejection.

With respect to Claims 2, 3 and 5, at a minimum, they are dependent upon Claim 1 and are allowable for the same reasons that make Claim 1 allowable. As such, Applicant respectfully requests removal of this ground of rejection.

With respect to Claim 6, this Claim has been amended to include container having a limitation requiring “a pair of lift cutouts formed in a bottom edge of said second side panel

and a bottom edge of said second divider panel, said pair of lift cutouts being formed substantially equidistant from a center of the second divider panel, said pair of lift cutouts being substantially rectangular in shape.” As discussed above with respect to Claim 1, the lift cut out features of the present invention is not taught by the cited art. The problem addressed by the lift cutouts is not a problem remotely considered with the containers of the cited art, so to suggest that any of the art be modified to include lift cutouts as taught in the present invention is entirely groundless and would only be done with hindsight reasoning. As such, Applicant respectfully requests removal of this ground of rejection.

With respect to Claims 7 and 8, at a minimum, they are dependent upon Claim 6 and are allowable for the same reasons that make Claim 6 allowable. As such, Applicant respectfully requests removal of this ground of rejection.

Rejection of claims 3 and 8 under 35 USC § 103(a)

The Office Action rejected Claims 3 and 8 as obvious with respect to either Brian or Metzger in view of either Means or Jenkins. Applicant respectfully submits that neither Brian nor Metzger, alone or in combination with Means or Jenkins fails to disclose, teach or even remotely suggest the present invention. The limitations of the cited art is discussed in detail above.

With respect to Claims 3 and 8, at a minimum, these Claims are dependent from Claims 1 and 6, respectfully, and are therefore allowable for the same reasons that make Claims 1 and 6 allowable. Further, it should be noted that none of the cited references teach any kind of lift cutout as required by the present application. As such, there is no combination of the cited references that teach each and every Claim element. As such, Applicant respectfully requests removal of this ground of rejection.

CONCLUSION

In summary, Applicant respectfully traverses the Office Action's rejections of Claims 1-3 and 5-8. Based upon the above remarks, Applicant respectfully requests reconsideration of the application and its early allowance.

Respectfully submitted,



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